IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1895 of 2006

Mrs.Rukshmani Shantilal Shah — Petitioner
Vs.
The Malad Sahakari Bank Ltd. — Respondents

Mr.M.B.Shirsat for petitioner.
Mr.S.P.Ghaisas for respondents.

CORAM: B.H.MARLAPALLE,J.

June 05, 2006.

P.C.

. Heard the learned counsel for the petitioner who claims that Flat No.606 cannot be part of the execution proceedings as the said flat is not mortgaged to the respondent no.1-Bank and it is the exclusive property of the petitioner. Admittedly there is no document on record to show that Flat No.606 is owned exclusively by the petitioner and the Divisional Joint Registrar in the impugned order dated 20/10/2005 has clearly observed that the flat has been mortgaged to the Bank. The learned counsel for the respondent has placed before me the letter from the borrower and addressed to the Manager of the respondent-Bank on 21st March 1995 thereby mortgaging Flat No.606 in "D" Wing, 6th floor of Anukul Co-op. Housing Society, in addition to the other properties.

. Under the circumstances, the challenge raised in this petition to the impugned order dated 20/10/2005 is devoid of merits.

. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)